Supreme Court, U. S.
FILED
MAR 20 1980
MICHAEL RODAK, JR., CLERK

No. 79-1196

IN THE SUPREME COURT OF THE UNITED STATES

October Term, 1979

Annie Mary Timmons,
Petitioner

v.

Commissioner of Internal Revenue
Respondent.

ON PETITION FOR A WRIT OF CERTIORARI TO THE UNITED STATES COURT OF APPEALS FOR THE FOURTH CIRCUIT

REPLY TO RESPONDENT'S MEMORANDUM IN OPPOSITION

Annie Mary Timmons
3104 Monroe Street
Columbia, SC 29205

Pro Se

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UNITED STATES

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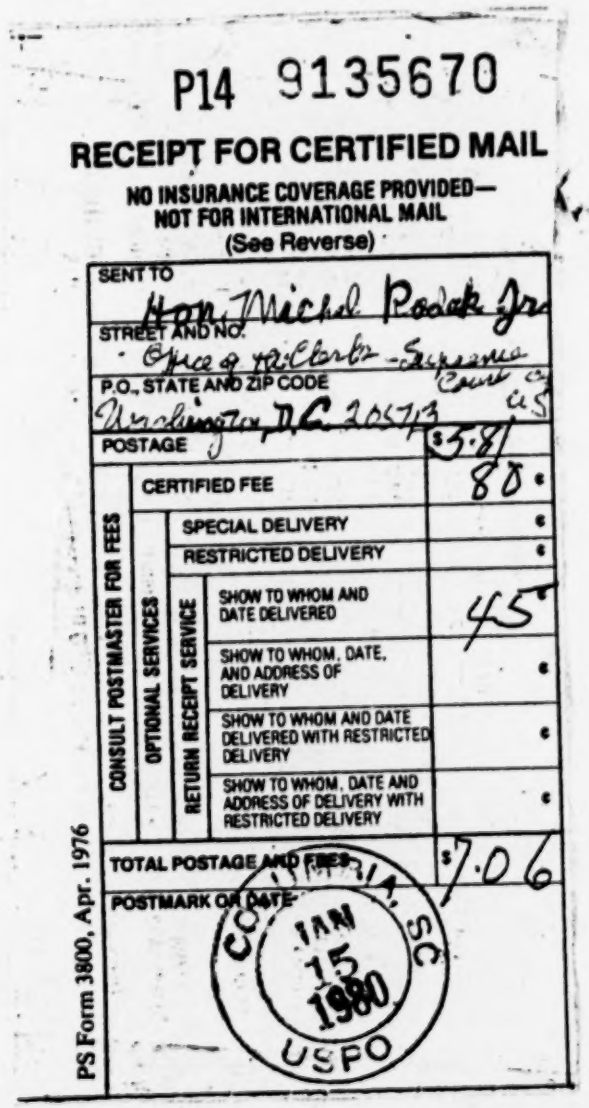
ON PETITION FOR A WRIT OF CERTIORARI TO THE UNITED STATES COURT OF APPEALS FOR THE FOURTH CIRCUIT

REPLY TO RESPONDENT'S MEMORANDUM IN OPPOSITION

In reply to the Respondent's Memorandum (just received) indicating that the Petition for a Writ of Certiorari in the above case was filed out of time, the Petitioner states that due to circumstances beyond her control in the preparation of her Petition for mailing, the details of which she will not burden the Court unless necessary to substantiate the timely mailing, her Petition for a Writ of Certiorari was mailed on the 90th day allowed for submission of same, which fell on January 15, 1980.

The following receipt for certified mail #9135670 verifies this mailing.



P14 9135670

RECEIPT FOR CERTIFIED MAIL

NO INSURANCE COVERAGE PROVIDED—
NOT FOR INTERNATIONAL MAIL
(See Reverse)

SENT TO: Hon. Michael Rodak Jr.
STREET AND NO.: Office of the Clerk - Supreme Court of U.S.
P.O., STATE AND ZIP CODE: Washington, D.C. 20543
POSTAGE: $3.81
CERTIFIED FEE: 80¢
SPECIAL DELIVERY: ¢
RESTRICTED DELIVERY: ¢
RETURN RECEIPT SERVICE — SHOW TO WHOM AND DATE DELIVERED: 45¢
SHOW TO WHOM, DATE, AND ADDRESS OF DELIVERY: ¢
SHOW TO WHOM AND DATE DELIVERED WITH RESTRICTED DELIVERY: ¢
SHOW TO WHOM, DATE AND ADDRESS OF DELIVERY WITH RESTRICTED DELIVERY: ¢
OPTIONAL SERVICES
CONSULT POSTMASTER FOR FEES
TOTAL POSTAGE AND FEES: $4.06
POSTMARK OR DATE: COLUMBIA, SC JAN 15 1980 USPO
PS Form 3800, Apr. 1976

The Petitioner earnestly requests the Court's indulgence for this undesirable last-day mailing since it was occasioned by unforeseen and unavoidable circumstances which together with pro se representation are certainly deserving of the Court's forgiveness for seemingly last-minute activities.

However distasteful it might be, the mailing of her Petition for a Writ of Certiorari on the very last day allowed by law does fulfill the requirements of 28 U.S.C. 2101 (c) and is in accord with Rule 26 (c) of the Federal Rules of Appellate Procedure and therefore should not stand in the way of the issuance of a Writ of Certiorari for the settlement of the significant issues involved herein.

Respectfully submitted,

Annie Mary Timmons
3104 Monroe Street
Columbia, SC 29205

March 18, 1980